

Planning Board Meeting Minutes

Location: Strafford Town Hall Conference Room

Date & Time: June 1, 2023 6:30PM

Voting Members Present:

Phi Auger – Chairman
Tim Reed – Vice Chairman
Charlie Moreno
Terry Hyland
Lynn Sweet – Selectman Representative

Non-Voting Members Present:

Don Clifford – Alternate
Susan Arnold – Alternate

Others Present:

Blair Haney, Strafford Regional Planning Commission, Regional Planner
Scott Whitehouse, Strafford Fire Chief
Robert Fletcher, Minutes Recorder

The Chairman, Phil Auger, called the meeting to order at 6:33PM, recognized Board members Charlie Moreno, Terry Hyland, Tim Reed, Lynn Sweet, Susan Arnold, and Don Clifford as present. He also recognized as present Blair Haney and Robert Fletcher.

The Chairman announced that the closing date for new applications to be filed for the agenda for the regular July 6, 2023 meeting is 5:00PM Tuesday, June 13, 2023. Revised applications for projects already under review must be submitted by Tuesday, June 27, 2023, for the July 6, 2023 meeting.

Continuing Business

Major Subdivision (cumulative impact) - David P. and Susan E. Barry, 2-lot subdivision, 8 Isaac Berry Road and Second Crown Point Road (Tax Map 18, Lot 28-6)

The applicant was not present for the meeting. The Chairman requested a motion for continuance to the July Planning Board meeting, which was so moved by Lynn Sweet, seconded by Tim Reed, and voted upon verbally in the affirmative by all voting Board members. The motion passed.

Minor subdivision/Lot Line Adjustment - Bruce M. & Lynda L. Hartley Revocable Trust (Tax Map 10, Lot 27) and Trevor & Alexandra Hoffman (Tax Map 11, Lot 25-1)

Ashley Rowe of Norway Plains Associates as representative for the Hartley's addressed the issue that he is hoping to resolve with an "after the fact" lot line adjustment. He indicated that approximately 30 years ago a deed to modify a lot line between Lot 27 and Lot 25-1 was recorded without Planning Board approval. During the current sale of one of the lots, the title company identified the need for Planning Board approval to be on record. The Board, under guidance from the Town Attorney, determined that one of two methods could be implemented to cure this oversight: 1) require the owner to initiate a new application for the subdivision and lot line adjustment or 2) approve an "after-the-fact" lot line adjustment approval. The Board confirmed the following:

- Location of the adjusted lot line.

- The resulting lot was conforming.
- The resulting lot acreage.
- Town would be provided with current plans.

The Chairman requested a motion to approve the lot line adjustment “after-the-fact”, which was so moved by Lynn Sweet, seconded by Tim Reed, and voted upon verbally in the affirmative by all voting Board members. The motion passed.

New Business

Major Subdivision (cumulative impact) and Lot Line Adjustment - Bertha L. Huckins Revocable Trust, 2-lot subdivision, 22 Hillside Drive (Tax Map 11, Lot 4) **and Lot Line Adjustment** - Tax Map 11, Lots 4-3 (Donna Huckins) and 4-2 (Sharon L. Huckins)

Corey Colwell of TF Moran presented the application on behalf of the Bertha L. Huckins Revocable Trust. Several members of the Huckins family were present. Mr. Colwell indicated that the Board approved a three-lot subdivision of the 300-acre farm in 2009. The applicant is proposing another subdivision for a fourth lot, which would result in a new 5-acre Lot 4-4. This would require a lot line adjustment of the existing Lot 4-3 to allow a 50-foot minimum right-of-way and frontage for the new lot. The existing driveway serving Lot 4-2 and Lot 4-3 will be upgraded to town standards (except that the width will be 20 feet with 2-foot shoulders) and extended to the new lot. Two easements are required; 1) a drainage easement and bioretention area to collect stormwater runoff, and 2) an emergency services turning easement to allow vehicle maneuvering on the dead-end roadway. A swale on the north side of the roadway will direct stormwater runoff to two (2) bioretention basins with discharge control structures and outlet culverts that will help reduce the flow onto the abutting property to the south. The applicant anticipates the need for waivers as follows:

1. Roadway cross section minimum width of 22 feet.
2. Three-foot wide shoulders on roadways.
3. Three-inch bituminous pavement on roadways.
4. Guardrail on roadways exceeding 4:1 slope.

The Board confirmed that the application checklist was complete. The Chairman asked for a motion to accept the application, which was so moved by Charlie Moreno, seconded by Lynn Sweet, and voted upon verbally in the affirmative by all voting Board members. The motion passed.

The Board identified several areas of concern regarding the proposed subdivision and lot line adjustments:

- Building setback from one of the property lines will not be met with Lot 4-3 lot line adjustment.
- Use of a 15-inch culvert instead of a 12-inch culvert was suggested in one location on the proposed roadway.
- Recorded agreement for maintenance of roadway and bioretention areas.

There being no further discussion or comments, the Chairman requested a motion for a continuance to the July Planning Board meeting, which was so moved by Lynn Sweet, seconded by Charlie Moreno, and voted upon verbally in the affirmative by all voting Board members. The motion passed.

Site Plan Review - Navigator Properties LLC (Mariner Tower), Telecommunications Facility: Proposed 160-foot lattice telecommunications tower on the property of Gail J. and Michael A. Barry Jr., 15 Strafford Road (Tax Map 11, Lot 83)

Charlie Moreno recused himself as a Board member, and the Chairman appointed Susan Arnold as a voting Board member. The Chairman recognized the town wireless consultant, David Maxim of Isotope, and asked John Springer of the Springer law office in Portsmouth to address the proposal. Attorney Springer, accompanied by Louis Vitali owner of Mariner Tower, Navigator Properties LLC, Kennebunkport, Maine, provided a brief overview, which included the following:

- 160-foot self-supporting lattice cell tower located in the town approved East Cell Tower Overlay Zone.
- Designed to accommodate four telecommunication carriers.
- Radio frequency report and plots, wetlands report, historic preservation review, and stormwater report have been submitted.
- Fenced 100-foot by 100-foot site accessed via a gated 12-foot wide, 750-foot gravel driveway within a 15-foot utility easement off Route 202A.

Attorney Springer concluded his presentation and, for the record, voiced his objection to the Town's use of David Maxim as a wireless consultant.

The Board indicated the following concerns/comments:

- Emergency vehicle access from Route 202A, narrow 90 degree turn in driveway, and adequate turn-around space at cell tower site.
- Address proper erosion protection for stormwater swale along portions of the driveway exceeding 5 percent grade and capacity of basin to provide overall containment.
- Impact of cell tower on National Guard flight operations. The Federal Aviation Administration has determined no impact for structure height up to 199 feet.
- Balloon float and/or photo simulation.

The Chairman suspended any further discussion and called for a motion to accept the application, which was so moved by Lynn Sweet, seconded by Tim Reed, and voted upon verbally in the affirmative by all voting Board members. The motion passed.

The Board discussed the need for a balloon float and/or photo simulation to provide a visual representation of the cell tower. Board member opinions varied on this and determined that a photo simulation was not necessary. The Chairman asked for a motion to require a balloon float, which was so moved by Susan Arnold and seconded by Lynn Sweet. All voting Board members voted verbally in the affirmative except Tim Reed, who voted against the motion. The motion passed. The applicant scheduled the balloon float for June 14, 2023 from 9:00AM to 1:00PM with an alternate date each subsequent day until completed.

The Chairman opened the meeting for public comments at 8:13PM. Scott Whitehouse, Strafford Fire Department, emphasized the need for detailed roadway dimensions and asked if each communication provider would be using a building on the site. The applicant indicated that carriers generally just site equipment on a 10-foot by 30-foot concrete pad but may enclose equipment in a pre-fabricated structure. Tim Reed asked Scott Schroeder of 552 Parker Mountain Road who chaired the Town Cell Tower Committee in 2021 to comment on the proposed cell tower plan. He indicated that the plan

complied with the cell tower ordinance but was not sure what would be gained by a balloon float, because the town had approved cell tower height and overlay locations. There being no further comments, the Chairman asked for a motion at 8:19PM to close the meeting to public comments, which was so moved by Lynn Sweet, seconded by Tim Reed, and voted upon verbally in the affirmative by all voting Board members. The motion passed.

The Chairman requested a motion for continuance to the July Planning Board meeting, which was so moved by Lynn Sweet, seconded by Terry Hyland, and voted upon verbally in the affirmative by all voting Board members. The motion passed.

Site Plan Review - Navigator Properties LLC (Mariner Tower), Telecommunications Facility: Proposed 160-foot lattice telecommunications tower on the property of Jessica M. McMahon, 581 Barn Door Gap Road (Tax Map 14, Lot 13)

Mr. Springer provided the following details regarding the plan:

- 160-foot self-supporting lattice cell tower located in the town approved North Cell Tower Overlay Zone.
- Designed to accommodate four telecommunication carriers.
- Radio frequency report and plots, wetlands report, historic preservation review, and stormwater report have been submitted.
- Fenced 100-foot by 100-foot site accessed via a gated 12-foot wide, 750-foot gravel driveway within a 15-foot utility easement off Barn Door Gap Road.
- Balloon float scheduled for June 14, 2023, 9:00AM to 1:00PM with an alternate date each subsequent day until completed.

The Chairman asked for a motion to accept the application, which was so moved by Lynn Sweet, seconded by Terry Hyland, and voted upon verbally in the affirmative by all voting Board members. The motion passed.

The Chairman opened the meeting for public comments at 8:34PM. Philip Lovejoy of 314 Barn Door Gap Road, abutter to the site, and President of the Blue Hills Foundation stated his objection to the proposed location of the cell tower due to visual impact and possible wildlife impact. He requested the Board consider alternate locations within the established overlay, attempt to determine whether the level of communication coverage provided by this location is worth the impact, and if towers in a neighboring town might provide adequate coverage. Scott Schroeder indicated that the basis for the cell tower ordinance was to provide maximum coverage for the town with the fewest towers and limited overlap. He also recommended the Town work with tower builders to reserve the top of the three legs of each tower for emergency services communication. There being no further comments, the Chairman asked for a motion at 8:46PM to close the meeting to public comments, which was so moved by Lynn Sweet, seconded by Susan Arnold, and voted upon verbally in the affirmative by all voting Board members. The motion passed.

The Chairman requested a motion for continuance to the July Planning Board meeting, which was so moved by Lynn Sweet, seconded by Susan Arnold, and voted upon verbally in the affirmative by all voting Board members. The motion passed. Charlie Moreno resumed his position as a voting Board member.

Other Business

The Board reviewed the minutes of the May 4, 2023 Non-Public Planning Board Meeting. Lynn Sweet made a motion to accept the minutes as written, which was seconded by Charlie Moreno, and voted upon verbally in the affirmative by all voting Board members present who attended the May 4th Non-Public Planning Board Meeting.

The Board reviewed the minutes of the May 4, 2023 Planning Board Meeting. Lynn Sweet made a motion to accept the minutes as written, which was seconded by Tim Reed, and voted upon verbally in the affirmative by all voting Board members present who attended the May 4th Planning Board Meeting.

The Board expressed concern about not being able to fully discuss each cell tower plan without reference to an engineering review. Additional discussion in this regard may have been helpful to the applicant and reduced the time required address the applications. The Board noted that cell tower applications have a “shot clock” associated with them. David Maxim indicated that the “shot clock” requires that a decision be made within 150 days from initial application receipt.

There being no further business before the Board, Charlie Moreno made a motion to adjourn the meeting, which was seconded by Lynn Sweet. The Board voted unanimously in favor, and the meeting adjourned at 8:54PM.